

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA 98 OCT 16 PM 3: 57  
MIDDLE DIVISION

U.S. DISTRICT COURT  
N.D. OF ALABAMA

JOHN LUKE,

Plaintiff,

vs.

CV-97-G-1419-M

LIEUTENANT JOSEPH H. HEADLEY and  
CORRECTIONAL OFFICER NELSON LITTY,

Defendants.

**ENTERED**

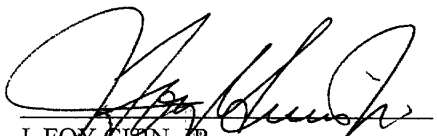
OCT 16 1998

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on September 15, 1998, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed as frivolous and for failure to state a claim upon which relief may be granted under 28 U.S.C. § 1915A(b). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed as frivolous and for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915A(b). A Final Judgment will be entered.

DATED this 15<sup>th</sup> day of Oct, 1998.

  
J. FOY GUIN, JR.  
UNITED STATES DISTRICT JUDGE